

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

COLLEEN FROEHLICH,	:	
Plaintiff,	:	
v.	:	Case No. 3:12-cv-363
CACH, LLC, <i>et al.</i> ,	:	JUDGE WALTER H. RICE
Defendants.	:	

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION (DOC. #10);
OVERRULING PLAINTIFF'S OBJECTIONS THERETO (DOC. #11);
OVERRULING PLAINTIFF'S MOTION TO REMAND (DOC. #7)

Based on the reasoning and citations of authority set forth in the United States Magistrate Judge's Report and Recommendation (Doc. #10), issued February 25, 2013, as well as upon a thorough *de novo* review of this Court's file and the applicable law, this Court ADOPTS said judicial filing in its entirety, and OVERRULES Plaintiff's Objections thereto (Doc. #11).

Plaintiff's argument, that Federal Rule of Civil Procedure 81(c)¹ prevents the use of Federal Rule of Civil Procedure 6(a)(1)(C)² to extend the 30-day time limit

¹ Plaintiff notes that Federal Rule of Civil Procedure 81(c) provides that the federal rules "apply to a civil action *after* it is removed from a state court" (emphasis added).

for removing actions from state court, is somewhat creative, but has no support in the law. Indeed, numerous courts have specifically held that Rule 6(a)(1)(C) applies to extend the 30-day removal deadline to the next business day. In addition to the cases cited in the Report and Recommendation, and in Defendant's Memorandum in Opposition to Plaintiff's Motion to Remand, Doc. #9, the Court directs Plaintiff's attention to *King v. Knoll*, 399 F. Supp.2d 1169, 1173 n.13 (D. Kan. 2005), *Howard v. CitiFinancial, Inc.*, 195 F. Supp.2d 811, 819 (S.D. Miss. 2002), and *Oseekey v. Spaulding Fibre Co., Inc.*, 655 F. Supp. 1119, 1122 n.4 (W.D.N.Y. 1987). In contrast, Plaintiff has cited to no case in which a court has refused to apply Rule 6(a)(1)(C) in determining whether a removal notice was timely filed.

For these reasons, the Court OVERRULES Plaintiff's Motion to Remand.
Doc. #7.

Date: March 13, 2013



WALTER H. RICE
UNITED STATES DISTRICT JUDGE

² Federal Rule of Civil Procedure 6(a)(1)(C) provides that, when computing time, "if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday."